



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Goetz et al.

Serial No. 10/511,664

Filed: October 18, 2004

For: NOVEL MAXI-K BLOCKERS, METHODS OF USE AND  
PROCESS FOR MAKING THE SAMEArt Unit: TO BE ASSIGNEDExaminer: TO BE ASSIGNED

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).
2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.
3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.
4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK &amp; CO., INC.

By Christine Dona Date 3/2/05

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5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

the attached information is filed within three months of the filing date of the captioned case.

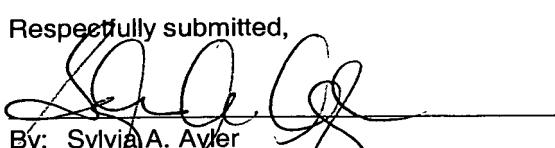
the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.

the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).

the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.

the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

  
By: Sylvia A. Ayler  
Attorney For Applicant(s)

Reg. No. 36,436

MERCK & CO., INC.

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(732)594-4909

Date: March 2, 2005

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Attorney Docket Number 21121YP

## FOREIGN PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
16.	PCT	WO 89/10757		A1	Leo Pharmaceutical Products Ltd.	11/16/1989
17.	PCT	WO 94/28900		A1	Vide Pharmaceuticals	12/22/1994
18.	PCT	WO 96/33719		A1	Allegan	10/31/1996
19.	PCT	WO 04/037786		A2	Merck Frosst Canada & Co.	05/06/2004
20.	PCT	WO 03/047417		A2	Merck & Co. Inc.	06/12/2003
21.	PCT	WO 03/103664		A1	Merck Frosst Canada & Co.	12/18/2003
22.	PCT	WO 04/019938		A1	Merck Frosst Canada & Co.	03/11/2004
23.	PCT	WO 04/085430		A1	Merck Frosst Canada & Co.	10/07/2004
24.	PCT	WO 03/047513		A2	Merck & Co. Inc.	06/12/2003

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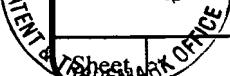
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COMBINE IF KNOWN	
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Filing Date	October 18, 2004
First Named Inventor	Goetz et al.
Group Art Unit	To be Assigned
Examiner Name	To be Assigned
Attorney Docket Number	21121YP

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	25.	S. R. Moore et al., "Development and Aging of Cell Topography in the Human Retinal Pigment Epithelium", 1997, pp. 2016-2026, Vol. 38, Investigative Ophthalmology & Visual Sciences.
	26.	R. A. Schumer et al., "The Nerve of Glaucoma!", 1994, pp. 37-44, Vol. 112, Arch Ophthalmol.
	27.	L. Dandona et al., "Selective Effects of Experimental Glaucoma on Axonal Transport by Retinal Ganglion Cells to the Dorsal Lateral Geniculate Nucleus", 1991, pp. 15930-1599, Vol. 32, No. 5, Investigative Ophthalmology & Visual Sciences.
	28.	B. J. Wilson et al., "Toxin from Aspergillus Flavus: Production on Food Materials of a Substance Causing Tremors in Mice", 1964, pp. 177-178, Vol. 144, Science.
	29.	M. R. TePaske et al., "Aflavarin and Beta-Aflatrem: New Anti-Insectan Metabolites from the Sclerotia of Aspergillus Flavus", 1992, pp. 1080-1086, Vol. 55, No. 8, J. of Natural Products.
	30.	K. Nozawa et al., "Structures of Two Stereoisomers of a New Type of Indoloditerpene Related to the Tremorgenic Mycotoxin Paxilline, from Emericella Desertorum and Emericella Striata", 1987, pp. 1157-1159, J. Chem. Soc. Chem. Commun.
	31.	K. Kawai et al., "Structure of a New Type of Indoloditerpenoid from Emericella Purpurea", 1994, pp. 1673-1674, J.C.S. Perkin I.
	32.	J. B. Gloer et al., "Nominine: A New Insecticidal Indole Diterpene from the Sclerotia of Aspergillus Nomius", 1989, pp. 2530-2532, Vol. 54, J. Org. Chem.
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	35.	N. Uramoto et al., "A New Tremorgenic Metabolite Related to Verruculogen from Penicillium Verruculsum", 1982, pp. 349-354, Vol. 17, Heterocycles.
	36.	J. B. Day et al., "Production of Verruculogen by Penicillium Estinogenum in Stirred Fermenters", 1980, pp. 405-410, Vol. 117, J. Gen. Microbial.
	37.	A. E. De Jesus et al., "Structure Elucidation of the Janthitrem. Novel Tremorgenic Mycotoxins from Penicillium Janthinellum", 1984, pp. 697-701, J. Chem. Soc.
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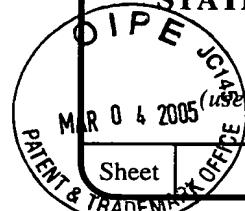
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Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
	40.	C. O. Miles et al., "Large-Scale Isolation of Lolitrem B and structure Determination fo Lolitrem E", 1994, pp. 1488-1492, Vol. 42, J. Agric Food Chem.
	41.	S. C. Munday-Finch et al., "Isolation and Structure Elucidation of Lolitrem A, a Tremorgenic Mycotoxin from Perennial Ryegrass Infected with Acremonium Lolii", 1995, pp. 1263-1288, Vol. 43, J. Agric. Food Chem.
	42.	S. C. Munday-Finch et al., "Isolation of Paspaline B. an Indole-Diterpenoid from Penicillium Paxilli", 1996, pp.327-332, Vol. 41, Phytochemistry.
	43.	R. T. Gallagher et al., "Tremorgenic Neurotoxins from Perennial Ryegrass Causing Ryegrass Staggers Disorder of Livestock: Structure Elucidation of Lolitrem B", 1984, pp. 614-616, J. Chem. Soc. Chem. Comm.
	44.	T. Fehr et al., "Die Isolierung Zweier neuartiger Indol-Derviate aus Dem Mycel von Claviceps Paspali Stevens et Hall", 1966, pp. 1907-1910, Vol. 49, No. 6, Helvetica Chimica Acta.
	45.	R. J. Cole et al., "A New Tremorgenic Metabolite from Penicillium Paxilli", 1974, pp. 1159-1162, Vol. 20, Can J. Microbiol.
	46.	R. J. Cole et al., "Paspalum Staggers: Isolation and Identification of Tremorgenic Metabolites from Sclerotia of Claviceps Paspali", 1977, pp. 1197-1201, Vol. 25, No. 5, J. Agric. Food Chem.
	47.	R. J. Cole et al., "Indole Metabolites from a Strain of Aspergillus Flavus", 1981, pp. 293-295, Vol. 29, American Chemical Society.
	48.	K. Nozawa et al., "Isolation and Structures of Two New Indoloditerpenes Related to Aflavinine from a Microsclerotium-Producing Strain of Aspergillus Flavus", 1989, pp. 626-630, Vol. 37, No. 3, Chem Pharm. Bull.
	49.	S. C. Munday-Finch et al., "Structure Elucidation of Lolitrem F. a Naturally Occuring Stereoisomer of the Tremorgenic Mycotoxin Lolitrem B, Isolated from Lolium Perenne Infected with Acremonium lolii", 1996, pp. 2782-2788, Vol. 44, J. Agric Food Chem.
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	51.	K. Nozawa et al., "Isolation of a New Tremorgenic Indoloditerpene, 1'O-Acetylpxalline, from Emericella Striata and Distribution of Paxalline in Emericella spp.", 1989, pp. 1387-1389, Vol. 37, Chem Pharm. Bull
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	55.	B. J. Wilson et al., "Tremorgenic Toxin from Penicillium Cyclopium Grown on Food Materials", 1968, pp. 77-78, Vol. 220, Nature.
	56.	A E. De Jesus et al., "Tremorgenic Mycotoxins from Penicillium Crustosum: Isolation of Penitrem A-F and the Structure Elucidation and Absolute Configuration of Penitrem A1", 1983, pp. 1847-1856, J. Chem. Soc. Perkin Trans.
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	60.	J. Penn et al., "Pennigritrem, a Naturally-Occurring Penitrem A Analogue with Novel Cyclisation in the Diterpenoid Moiety", 1992, J. Chem. Soc. Perkin Trans.
	61.	J. A. Laakso et al., "Sulpinines A-C and Secopenitrem B: New Antiinsectan Metabolites from the Sclerotia of Aspergillus Sulphureus", 1992, pp. 2066-2071, Vol. 57, J. Org. Chem.
	62.	H. Tomoda et al., "Terpendoles, Novel ACAT Inhibitors Produced by Albophoma Yamanashiensis III. Production, Isolation and Structure Elucidation of New Components", 1995, pp. 793-803, Vol. 48, No. 8, J. of Antibiotics.
	63.	X.H. Huang et al., "Terpendoles, Novel ACAT Inhibitors Produced by Albophoma Yamanashiensis I. Production, Isolation and Biological Properties", 1995, pp. 1-4, Vol. 48, No. 1, J. of Antibiotics.
	64.	W. A. Gatenby et al., "Terpendole M, a Novel Indole-Diterpenoid Isolated from Lolium Perenne Infected with the Endophytic Fungus Neotyphodium Lolii", 1999, pp. 1092-1097, Vol. 47, J. Agric. Food Chem.
	65.	K. Nozawa et al., "Studies on Fungal Products, Part 17. Isolation and Structures of Novel Indoloditerpenes, Emindoles DA and DB, from Emericella Desertorum: A-Ray Molecular Structure of Emindole DA Acetate", 1988, pp. 1689-1694, J. Chem. Soc. Perkin Trans.
	66.	K. Nozawa et al., "Studies on Fungal Products, Part 19. Isolation and Structure of a Novel Indoloditerpene, Emindole SA, from Emericella Striata", 1988, pp. 2155-2160, J. Chem. Soc. Perkin Trans.

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